

## Surface Mining Reclamation and Enforcement, Interior

## § 875.11

CFR 874.12(b), if the State or Indian tribe finds in writing, as part of its eligibility opinion, that such adverse effects are due predominately to the effects of mining processes undertaken and abandoned prior to those dates.

(d) Enhancement of facilities or utilities under this section shall include up-grading necessary to meet any local, State, or Federal public health or safety requirement. Enhancement shall not include, however, any service area expansion of a utility or facility not necessary to address a specific abandoned mine land problem.

[59 FR 28171, May 31, 1994]

### § 874.15 Limited liability.

No State or Indian tribe shall be liable under any provision of Federal law for any costs or damages as a result of action taken or omitted in the course of carrying out an approved State or Indian tribe abandoned mine reclamation plan. This section shall not preclude liability for costs or damages as a result of gross negligence or intentional misconduct by the State or Indian tribe. For purposes of this section, reckless, willful, or wanton misconduct shall constitute gross negligence or intentional misconduct.

[59 FR 28172, May 31, 1994]

### § 874.16 Contractor responsibility.

To receive AML funds, every successful bidder for an AML contract must be eligible under 30 CFR 773.15(b)(1) at the time of contract award to receive a permit or conditional permit to conduct surface coal mining operations. Bidder eligibility must be confirmed by OSM's automated Applicant/Violator System for each contract to be awarded.

[59 FR 28172, May 31, 1994]

## PART 875—NONCOAL RECLAMATION

Sec.

875.1 Scope.

875.10 Information collection.

875.11 Applicability.

875.12 Eligible lands and water prior to certification.

875.13 Certification of completion of coal sites.

875.14 Eligible lands and water subsequent to certification.

875.15 Reclamation priorities for noncoal program.

875.16 Exclusion of certain noncoal reclamation sites.

875.17 Land acquisition authority—noncoal.

875.18 Lien requirements.

875.19 Limited liability.

875.20 Contractor responsibility.

AUTHORITY: 30 U.S.C. 1201 *et seq.*, as amended.

SOURCE: 47 FR 28596, June 30, 1982, unless otherwise noted.

### § 875.1 Scope.

This part establishes land and water eligibility requirements and for noncoal reclamation.

### § 875.10 Information collection.

The collection of information contained in part 875 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029-0103. The information will be used to determine if noncoal reclamation is being accomplished according to legislative mandate. Response is required to obtain a benefit in accordance with Public Law 95-87. Public reporting burden for this information is estimated to average 32 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Surface Mining Reclamation and Enforcement, Information Collection Clearance Officer, room 640 N.C., 1951 Constitution Avenue NW., Washington, DC 20240 and the Office of Management and Budget, Paperwork Reduction Project (1029-0103), Washington, DC 20503.

[59 FR 28172, May 31, 1994]

### § 875.11 Applicability.

The provisions of this part apply to all reclamation projects on lands or water mined or affected by mining of minerals and materials other than coal and are to be carried out with money from the Fund and administered by a